

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a complete substitute.

IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.

S.1892

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **TITLE I—VALLES CALDERA NA-**
4 **TIONAL PRESERVE AND**
5 **TRUST**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Valles Caldera Preser-
8 vation Act”.

9 **SEC. 102. FINDINGS AND PURPOSES.**

10 (a) FINDINGS.—Congress finds that—

1 (1) the Baca ranch comprises most of the
2 Valles Caldera in central New Mexico, and con-
3 stitutes a unique land mass, with significant sci-
4 entific, cultural, historic, recreational, ecological,
5 wildlife, fisheries, and productive values;

6 (2) the Valles Caldera is a large resurgent lava
7 dome with potential geothermal activity;

8 (3) the land comprising the Baca ranch was
9 originally granted to the heirs of Don Luis Maria
10 Cabeza de Vaca in 1860;

11 (4) historical evidence, in the form of old log-
12 ging camps and other artifacts, and the history of
13 territorial New Mexico indicate the importance of
14 this land over many generations for domesticated
15 livestock production and timber supply;

16 (5) the careful husbandry of the Baca ranch by
17 the current owners, including selective timbering,
18 limited grazing and hunting, and the use of pre-
19 scribed fire, have preserved a mix of healthy range
20 and timber land with significant species diversity,
21 thereby serving as a model for sustainable land de-
22 velopment and use;

23 (6) the Baca ranch's natural beauty and abun-
24 dant resources, and its proximity to large municipal
25 populations, could provide numerous recreational op-

1 portunities for hiking, fishing, camping, cross-coun-
2 try skiing, and hunting;

3 (7) the Forest Service documented the scenic
4 and natural values of the Baca ranch in its 1993
5 study entitled “Report on the Study of the Baca Lo-
6 cation No. 1, Santa Fe National Forest, New Mex-
7 ico”, as directed by Public Law 101–556;

8 (8) the Baca ranch can be protected for current
9 and future generations by continued operation as a
10 working ranch under a unique management regime
11 which would protect the land and resource values of
12 the property and surrounding ecosystem while allow-
13 ing and providing for the ranch to eventually become
14 financially self-sustaining;

15 (9) the current owners have indicated that they
16 wish to sell the Baca ranch, creating an opportunity
17 for Federal acquisition and public access and enjoy-
18 ment of these lands;

19 (10) certain features on the Baca ranch have
20 historical and religious significance to Native Ameri-
21 cans which can be preserved and protected through
22 Federal acquisition of the property;

23 (11) the unique nature of the Valles Caldera
24 and the potential uses of its resources with different
25 resulting impacts warrants a management regime

1 uniquely capable of developing an operational pro-
2 gram for appropriate preservation and development
3 of the land and resources of the Baca ranch in the
4 interest of the public;

5 (12) an experimental management regime
6 should be provided by the establishment of a Trust
7 capable of using new methods of public land man-
8 agement that may prove to be cost-effective and en-
9 vironmentally sensitive; and

10 (13) the Secretary may promote more efficient
11 management of the Valles Caldera and the water-
12 shed of the Santa Clara Creek through the assign-
13 ment of purchase rights of such watershed to the
14 Pueblo of Santa Clara.

15 (b) PURPOSES.—The purposes of this title are—

16 (1) to authorize Federal acquisition of the Baca
17 ranch;

18 (2) to protect and preserve for future genera-
19 tions the scientific, scenic, historic, and natural val-
20 ues of the Baca ranch, including rivers and eco-
21 systems and archaeological, geological, and cultural
22 resources;

23 (3) to provide opportunities for public recre-
24 ation;

1 (4) to establish a demonstration area for an ex-
2 perimental management regime adapted to this
3 unique property which incorporates elements of pub-
4 lic and private administration in order to promote
5 long term financial sustainability consistent with the
6 other purposes enumerated in this subsection; and

7 (5) to provide for sustained yield management
8 of Baca ranch for timber production and domes-
9 ticated livestock grazing insofar as is consistent with
10 the other purposes stated herein.

11 **SEC. 103. DEFINITIONS.**

12 In this title:

13 (1) BACA RANCH.—The term “Baca ranch”
14 means the lands and facilities described in this sec-
15 tion 104(a).

16 (2) BOARD OF TRUSTEES.—The terms “Board
17 of Trustees” and “Board” mean the Board of
18 Trustees as describe in section 107.

19 (3) COMMITTEES OF CONGRESS.—The term
20 “Committees of Congress” means the Committee on
21 Energy and Natural Resources of the Senate and
22 the Committee on Resources of the House of Rep-
23 resentatives.

24 (4) FINANCIALLY SELF-SUSTAINING.—The term
25 “financially self-sustaining” means management and

1 operating expenditures equal to or less than pro-
2 ceeds derived from fees and other receipts for re-
3 source use and development and interest on invested
4 funds. Management and operating expenditures shall
5 include Trustee expenses, salaries and benefits of
6 staff, administrative and operating expenses, im-
7 provements to and maintenance of lands and facili-
8 ties of the Preserve, and other similar expenses.
9 Funds appropriated to the Trust by Congress, either
10 directly or through the Secretary, for the purposes
11 of this title shall not be considered.

12 (5) MULTIPLE USE AND SUSTAINED YIELD.—
13 The term “multiple use and sustained yield” has the
14 combined meaning of the terms “multiple use” and
15 “sustained yield of the several products and serv-
16 ices”, as defined under the Multiple-Use Sustained-
17 Yield Act of 1960 (16 U.S.C. 531).

18 (6) PRESERVE.—The term “Preserve” means
19 the Valles Caldera National Preserve established
20 under section 105.

21 (7) SECRETARY.—Except where otherwise pro-
22 vided, the term “Secretary” means the Secretary of
23 Agriculture.

24 (8) TRUST.—The term “Trust” means the
25 Valles Caldera Trust established under section 106.

1 **SEC. 104. ACQUISITION OF LANDS.**

2 (a) ACQUISITION OF BACA RANCH.—

3 (1) IN GENERAL.—In compliance with the Act
4 of June 15, 1926 (16 U.S.C. 471a), the Secretary
5 is authorized to acquire all or part of the rights,
6 title, and interests in and to approximately 94,761
7 acres of the Baca ranch, comprising the lands, facili-
8 ties, and structures referred to as the Baca Location
9 No. 1, and generally depicted on a plat entitled
10 “Independent Resurvey of the Baca Location No.
11 1”, made by L.A. Osterhoudt, W.V. Hall, and
12 Charles W. Devendorf, U.S. Cadastral Engineers,
13 June 30, 1920–August 24, 1921, under special in-
14 structions for Group No. 107 dated February 12,
15 1920, in New Mexico.

16 (2) SOURCE OF FUNDS.—The acquisition under
17 paragraph (1) may be made by purchase through
18 appropriated or donated funds, by exchange, by con-
19 tribution, or by donation of land. Funds appro-
20 priated to the Secretary from the Land and Water
21 Conservation Fund shall be available for this pur-
22 pose.

23 (3) BASIS OF SALE.—The acquisition under
24 paragraph (1) shall be based on an appraisal done
25 in conformity with the Uniform Appraisal Standards
26 for Federal Land Acquisitions and—

1 (A) in the case of purchase, such purchase
2 shall be on a willing seller basis for no more
3 than the fair market value of the land or inter-
4 ests therein acquired; and

5 (B) in the case of exchange, such exchange
6 shall be for lands, or interests therein, of equal
7 value, in conformity with the existing exchange
8 authorities of the Secretary.

9 (4) DEED.—The conveyance of the offered
10 lands to the United States under this subsection
11 shall be by general warranty or other deed accept-
12 able to the Secretary and in conformity with applica-
13 ble title standards of the Attorney General.

14 (b) ADDITION OF LAND TO BANDELIER NATIONAL
15 MONUMENT.—Upon acquisition of the Baca ranch under
16 subsection (a), the Secretary of the Interior shall assume
17 administrative jurisdiction over those lands within the
18 boundaries of the Bandelier National Monument as modi-
19 fied under section 3 of Public Law 105–376 (112 Stat.
20 3389).

21 (c) PLAT AND MAPS.—

22 (1) PLAT AND MAPS PREVAIL.—In case of any
23 conflict between a plat or a map and acreages, the
24 plat or map shall prevail.

1 (2) MINOR CORRECTIONS.—The Secretary and
2 the Secretary of the Interior may make minor cor-
3 rections in the boundaries of the Upper Alamo wa-
4 tershed as depicted on the map referred to in section
5 3 of Public Law 105–376 (112 Stat. 3389).

6 (3) BOUNDARY MODIFICATION.—Upon the con-
7 veyance of any lands to any entity other than the
8 Secretary, the boundary of the Preserve shall be
9 modified to exclude such lands.

10 (4) FINAL MAPS.—Within 180 days of the date
11 of acquisition of the Baca ranch under subsection
12 (a), the Secretary and the Secretary of the Interior
13 shall submit to the Committees of Congress a final
14 map of the Preserve and a final map of Bandelier
15 National Monument, respectively.

16 (5) PUBLIC AVAILABILITY.—The plat and maps
17 referred to in the subsection shall be kept and made
18 available for public inspection in the offices of the
19 Chief, Forest Service, and Director, National Park
20 Service, in Washington, D.C., and Supervisor, Santa
21 Fe National Forest, and Superintendent, Bandelier
22 National Monument, in the State of New Mexico.

23 (d) WATERSHED MANAGEMENT REPORT.—The Sec-
24 retary, acting through the Forest Service, in cooperation

1 with the Secretary of the Interior, acting through the Na-
2 tional Park Service, shall—

3 (1) prepare a report of management alter-
4 natives which may—

5 (A) provide more coordinated land man-
6 agement within the area known as the upper
7 watersheds of Alamo, Capulin, Medio, and
8 Sanchez Canyons, including the areas known as
9 the Dome Diversity Unit and the Dome Wilder-
10 ness;

11 (B) allow for improved management of elk
12 and other wildlife populations ranging between
13 the Santa Fe National Forest and the Ban-
14 delier National Monument; and

15 (C) include proposed boundary adjust-
16 ments between the Santa Fe National Forest
17 and the Bandelier National Monument to facili-
18 tate the objectives under subparagraphs (A)
19 and (B); and

20 (2) submit the report to the Committees of
21 Congress within 120 days of the date of enactment
22 of this title.

23 (e) OUTSTANDING MINERAL INTERESTS.—The ac-
24 quisition of the Baca ranch by the Secretary shall be sub-
25 ject to all outstanding valid existing mineral interests. The

1 Secretary is authorized and directed to negotiate with the
2 owners of any fractional interest in the subsurface estate
3 for the acquisition of such fractional interest on a willing
4 seller basis for not to exceed its fair market value, as de-
5 termined by appraisal done in conformity with the Uni-
6 form Appraisal Standards for Federal Land Acquisitions.
7 Any such interests acquired within the boundaries of the
8 Upper Alamo watershed, as referred to in subsection (b),
9 shall be administered by the Secretary of the Interior as
10 part of Bandelier National Monument.

11 (f) BOUNDARIES OF THE BACA RANCH.—For pur-
12 poses of section 7 of the Land and Water Conservation
13 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries
14 of the Baca ranch shall be treated as if they were National
15 Forest boundaries existing as of January 1, 1965.

16 (g) PUEBLO OF SANTA CLARA.—

17 (1) IN GENERAL.—The Secretary may assign to
18 the Pueblo of Santa Clara rights to acquire for fair
19 market value portions of the Baca ranch. The por-
20 tion that may be assigned shall be determined by
21 mutual agreement between the Pueblo and the Sec-
22 retary based on optimal management considerations
23 for the Preserve including manageable land line loca-
24 tions, public access, and retention of scenic and nat-
25 ural values. All appraisals shall be done in con-

1 conformity with the Uniform Appraisal Standards for
2 Federal Land Acquisition.

3 (2) STATUS OF LAND ACQUIRED.—As of the
4 date of acquisition, the fee title lands, and any min-
5 eral estate underlying such lands, acquired under
6 this subsection by the Pueblo of Santa Clara are
7 deemed transferred into trust in the name of the
8 United States for the benefit of the Pueblo of Santa
9 Clara and such lands and mineral estate are de-
10 clared to be part of the existing Santa Clara Indian
11 Reservation.

12 (3) MINERAL ESTATE.—Any mineral estate ac-
13 quired by the United States pursuant to section
14 104(e) underlying fee title lands acquired by the
15 Pueblo of Santa Clara shall not be developed without
16 the consent of the Secretary of the Interior and the
17 Pueblo of Santa Clara.

18 (4) SAVINGS.—Any reservations, easements,
19 and covenants contained in an assignment agree-
20 ment entered into under paragraph (1) shall not be
21 affected by the acquisition of the Baca ranch by the
22 United States, the assumption of management by
23 the Valles Caldera Trust, or the lands acquired by
24 the Pueblo being taken into trust.

1 **SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.**

2 (a) ESTABLISHMENT.—Upon the date of acquisition
3 of the Baca ranch under section 104(a), there is hereby
4 established the Valles Caldera National Preserve as a unit
5 of the National Forest System which shall include all Fed-
6 eral lands and interests in land acquired under sections
7 104(a) and 104(e), except those lands and interests in
8 land administered or held in trust by the Secretary of the
9 Interior under sections 104(b) and 104(g), and shall be
10 managed in accordance with the purposes and require-
11 ments of this title.

12 (b) PURPOSES.—The purposes for which the Preserve
13 is established are to protect and preserve the scientific,
14 scenic, geologic, watershed, fish, wildlife, historic, cultural,
15 and recreational values of the Preserve, and to provide for
16 multiple use and sustained yield of renewable resources
17 within the Preserve, consistent with this title.

18 (c) MANAGEMENT AUTHORITY.—Except for the pow-
19 ers of the Secretary enumerated in this title, the Preserve
20 shall be managed by the Valles Caldera Trust established
21 by section 106.

22 (d) ELIGIBILITY FOR PAYMENT IN LIEU OF
23 TAXES.—Lands acquired by the United States under sec-
24 tion 104(a) shall constitute entitlement lands for purposes
25 of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–
26 6904).

1 (e) WITHDRAWALS.—

2 (1) IN GENERAL.—Upon acquisition of all inter-
3 ests in minerals within the boundaries of the Baca
4 ranch under section 104(e), subject to valid existing
5 rights, the lands comprising the Preserve are there-
6 by withdrawn from disposition under all laws per-
7 taining to mineral leasing, including geothermal
8 leasing.

9 (2) MATERIALS FOR ROADS AND FACILITIES.—

10 Nothing in this title shall preclude the Secretary,
11 prior to assumption of management of the Preserve
12 by the Trust, and the Trust thereafter, from allow-
13 ing the utilization of common varieties of mineral
14 materials such as sand, stone, and gravel as nec-
15 essary for construction and maintenance of roads
16 and facilities within the Preserve.

17 (f) FISH AND GAME.—Nothing in this title shall be
18 construed as affecting the responsibilities of the State of
19 New Mexico with respect to fish and wildlife, including the
20 regulation of hunting, fishing, and trapping within the
21 Preserve, except that the Trust may, in consultation with
22 the Secretary and the State of New Mexico, designate
23 zones where and establish periods when no hunting, fish-
24 ing, or trapping shall be permitted for reasons of public

1 safety, administration, the protection of nongame species
2 and their habitats, or public use and enjoyment.

3 (g) REDONDO PEAK.—

4 (1) IN GENERAL.—For the purposes of pre-
5 serving the natural, cultural, religious, and historic
6 resources on Redondo Peak upon acquisition of the
7 Baca ranch under section 104(a), except as provided
8 in paragraph (2), within the area of Redondo Peak
9 above 10,000 feet in elevation—

10 (A) no roads, structures, or facilities shall
11 be constructed; and

12 (B) no motorized access shall be allowed.

13 (2) EXCEPTIONS.—Nothing in this subsection
14 shall preclude—

15 (A) the use and maintenance of roads and
16 trails existing as of the date of enactment of
17 this Act;

18 (B) the construction, use and maintenance
19 of new trails, and the relocation of existing
20 roads, if located to avoid Native American reli-
21 gious and cultural sites; and

22 (C) motorized access necessary to admin-
23 ister the area by the Trust (including measures
24 required in emergencies involving the health or
25 safety of persons within the area).

1 **SEC. 106. THE VALLES CALDERA TRUST.**

2 (a) ESTABLISHMENT.—There is hereby established a
3 wholly owned government corporation known as the Valles
4 Caldera Trust which is empowered to conduct business in
5 the State of New Mexico and elsewhere in the United
6 States in furtherance of its corporate purposes.

7 (b) CORPORATE PURPOSES.—The purposes of the
8 Trust are—

9 (1) to provide management and administrative
10 services for the Preserve;

11 (2) to establish and implement management
12 policies which will best achieve the purposes and re-
13 quirements of this title;

14 (3) to receive and collect funds from private
15 and public sources and to make dispositions in sup-
16 port of the management and administration of the
17 Preserve; and

18 (4) to cooperate with Federal, State, and local
19 governmental units, and with Indian tribes and
20 Pueblos, to further the purposes for which the Pre-
21 serve was established.

22 (c) NECESSARY POWERS.—The Trust shall have all
23 necessary and proper powers for the exercise of the au-
24 thorities vested in it.

25 (d) STAFF.—

1 (1) IN GENERAL.—The Trust is authorized to
2 appoint and fix the compensation and duties of an
3 executive director and such other officers and em-
4 ployees as it deems necessary without regard to the
5 provisions of title 5, United States Code, governing
6 appointments in the competitive service, and may
7 pay them without regard to the provisions of chapter
8 51, and subchapter III of chapter 53, title 5, United
9 States Code, relating to classification and General
10 Schedule pay rates. No employee of the Trust shall
11 be paid at a rate in excess of that payable to the Su-
12 pervisor of the Santa Fe National Forest or the Su-
13 perintendent of the Bandelier National Monument,
14 whichever is greater.

15 (2) FEDERAL EMPLOYEES.—

16 (A) IN GENERAL.—Except as provided in
17 this title, employees of the Trust shall be Fed-
18 eral employees as defined by title 5, United
19 States Code, and shall be subject to all rights
20 and obligations applicable thereto.

21 (B) USE OF FEDERAL EMPLOYEES.—At
22 the request of the Trust, the employees of any
23 Federal agency may be provided for implemen-
24 tation of this title. Such employees detailed to

1 the Trust for more than 30 days shall be pro-
2 vided on a reimbursable basis.

3 (e) GOVERNMENT CORPORATION.—

4 (1) IN GENERAL.—The Trust shall be a Gov-
5 ernment Corporation subject to chapter 91 of title
6 31, United States Code (commonly referred to as
7 the Government Corporation Control Act). Financial
8 statements of the Trust shall be audited annually in
9 accordance with section 9105 of title 31 of the
10 United States Code.

11 (2) REPORTS.—Not later than January 15 of
12 each year, the Trust shall submit to the Secretary
13 and the Committees of Congress a comprehensive
14 and detailed report of its operations, activities, and
15 accomplishments for the prior year including infor-
16 mation on the status of ecological, cultural, and fi-
17 nancial resources being managed by the Trust, and
18 benefits provided by the Preserve to local commu-
19 nities. The report shall also include a section that
20 describes the Trust's goals for the current year.

21 (3) ANNUAL BUDGET.—

22 (A) IN GENERAL.—The Trust shall pre-
23 pare an annual budget with the goal of achiev-
24 ing a financially self-sustaining operation within

1 15 full fiscal years after the date of acquisition
2 of the Baca ranch under section 104(a).

3 (B) BUDGET REQUEST.—The Secretary
4 shall provide necessary assistance (including
5 detailees as necessary) to the Trust for the
6 timely formulation and submission of the an-
7 nual budget request for appropriations, as au-
8 thorized under section 111(a), to support the
9 administration, operation, and maintenance of
10 the Preserve.

11 (f) TAXES.—The Trust and all properties adminis-
12 tered by the Trust shall be exempt from all taxes and spe-
13 cial assessments of every kind by the State of New Mexico,
14 and its political subdivisions including the counties of
15 Sandoval and Rio Arriba.

16 (g) DONATIONS.—The Trust may solicit and accept
17 donations of funds, property, supplies, or services from in-
18 dividuals, foundations, corporations, and other private or
19 public entities for the purposes of carrying out its duties.
20 The Secretary, prior to assumption of management of the
21 Preserve by the Trust, and the Trust thereafter, may ac-
22 cept donations from such entities notwithstanding that
23 such donors may conduct business with the Department
24 of Agriculture or any other department or agency of the
25 United States.

1 (h) PROCEEDS.—

2 (1) IN GENERAL.—Notwithstanding sections
3 1341 and 3302 of title 31 of the United States
4 Code, all monies received from donations under sub-
5 section (g) or from the management of the Preserve
6 shall be retained and shall be available, without fur-
7 ther appropriation, for the administration, preserva-
8 tion, restoration, operation and maintenance, im-
9 provement, repair, and related expenses incurred
10 with respect to properties under its management ju-
11 risdiction.

12 (2) FUND.—There is hereby established in the
13 Treasury of the United States a special interest
14 bearing fund entitled “Valles Caldera Fund” which
15 shall be available, without further appropriation for
16 any purpose consistent with the purposes of this
17 title. At the option of the Trust, or the Secretary in
18 accordance with section 110, the Secretary of the
19 Treasury shall invest excess monies of the Trust in
20 such account, which shall bear interest at rates de-
21 termined by the Secretary of the Treasury taking
22 into consideration the current average market yield
23 on outstanding marketable obligations of the United
24 States of comparable maturity.

1 (i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—

2 Any funds received by the Trust, or the Secretary in ac-
3 cordance with section 109(b), from the management of the
4 Preserve shall not be subject to partial distribution to the
5 State under—

6 (1) the Act of May 23, 1908, entitled “an Act
7 making appropriations for the Department of Agri-
8 culture for the fiscal year ending June thirtieth,
9 nineteen hundred and nine” (35 Stat. 260, chapter
10 192; 16 U.S.C. 500);

11 (2) section 13 of the Act of March 1, 1911 (36
12 Stat. 963, chapter 186; 16 U.S.C. 500); or

13 (3) any other law.

14 (j) SUITS.—The Trust may sue and be sued in its
15 own name to the same extent as the Federal Government.
16 For purposes of such suits, the residence of the Trust shall
17 be the State of New Mexico. The Trust shall be rep-
18 resented by the Attorney General in any litigation arising
19 out of the activities of the Trust, except that the Trust
20 may retain private attorneys to provide advice and coun-
21 sel.

22 (k) BYLAWS.—The Trust shall adopt necessary by-
23 laws to govern its activities.

24 (l) INSURANCE AND BOND.—The Trust shall require
25 that all holders of leases from, or parties in contract with,

1 the Trust that are authorized to occupy, use, or develop
2 properties under the management jurisdiction of the
3 Trust, procure proper insurance against any loss in con-
4 nection with such properties, or activities authorized in
5 such lease or contract, as is reasonable and customary.

6 (m) NAME AND INSIGNIA.—The Trust shall have the
7 sole and exclusive right to use the words “Valles Caldera
8 Trust”, and any seal, emblem, or other insignia adopted
9 by the Board of Trustees. Without express written author-
10 ity of the Trust, no person may use the words “Valles
11 Caldera Trust” as the name under which that person shall
12 do or purport to do business, for the purpose of trade,
13 or by way of advertisement, or in any manner that may
14 falsely suggest any connection with the Trust.

15 **SEC. 107. BOARD OF TRUSTEES.**

16 (a) IN GENERAL.—The Trust shall be governed by
17 a 9-member Board of Trustees consisting of the following:

18 (1) VOTING TRUSTEES.—The voting Trustees
19 shall be—

20 (A) the Supervisor of the Santa Fe Na-
21 tional Forest, United States Forest Service;

22 (B) the Superintendent of the Bandelier
23 National Monument, National Park Service;
24 and

1 (C) 7 individuals, appointed by the Presi-
2 dent, in consultation with the congressional del-
3 egation from the State of New Mexico. The 7
4 individuals shall have specific expertise or rep-
5 resent an organization or government entity as
6 follows—

7 (i) one trustee shall have expertise in
8 aspects of domesticated livestock manage-
9 ment, production, and marketing, including
10 range management and livestock business
11 management;

12 (ii) one trustee shall have expertise in
13 the management of game and nongame
14 wildlife and fish populations, including
15 hunting, fishing, and other recreational ac-
16 tivities;

17 (iii) one trustee shall have expertise in
18 the sustainable management of forest
19 lands for commodity and noncommodity
20 purposes;

21 (iv) one trustee shall be active in a
22 nonprofit conservation organization con-
23 cerned with the activities of the Forest
24 Service;

1 (v) one trustee shall have expertise in
2 financial management, budget and pro-
3 gram analysis, and small business oper-
4 ations;

5 (vi) one trustee shall have expertise in
6 the cultural and natural history of the re-
7 gion; and

8 (vii) one trustee shall be active in
9 State or local government in New Mexico,
10 with expertise in the customs of the local
11 area.

12 (2) QUALIFICATIONS.—Of the trustees ap-
13 pointed by the President—

14 (A) none shall be employees of the Federal
15 Government; and

16 (B) at least five shall be residents of the
17 State of New Mexico.

18 (b) INITIAL APPOINTMENTS.—The President shall
19 make the initial appointments to the Board of Trustees
20 within 90 days after acquisition of the Baca ranch under
21 section 104(a).

22 (c) TERMS.—

23 (1) IN GENERAL.—Appointed trustees shall
24 each serve a term of 4 years, except that of the

1 trustees first appointed, 4 shall serve for a term of
2 4 years, and 3 shall serve for a term of 2 years.

3 (2) VACANCIES.—Any vacancy among the ap-
4 pointed trustees shall be filled in the same manner
5 in which the original appointment was made, and
6 any trustee appointed to fill a vacancy shall serve for
7 the remainder of that term for which his or her
8 predecessor was appointed.

9 (3) LIMITATIONS.—No appointed trustee may
10 serve more than 8 years in consecutive terms.

11 (d) QUORUM.—A majority of trustees shall constitute
12 a quorum of the Board for the conduct of business.

13 (e) ORGANIZATION AND COMPENSATION.—

14 (1) IN GENERAL.—The Board shall organize
15 itself in such a manner as it deems most appropriate
16 to effectively carry out the activities of the Trust.

17 (2) COMPENSATION OF TRUSTEES.—Trustees
18 shall serve without pay, but may be reimbursed from
19 the funds of the Trust for the actual and necessary
20 travel and subsistence expenses incurred by them in
21 the performance of their duties.

22 (3) CHAIR.—Trustees shall select a chair from
23 the membership of the Board.

24 (f) LIABILITY OF TRUSTEES.—Appointed trustees
25 shall not be considered Federal employees by virtue of

1 their membership on the Board, except for purposes of
2 the Federal Tort Claims Act, the Ethics in Government
3 Act, and the provisions of chapter 11 of title 18, United
4 States Code.

5 (g) MEETINGS.—

6 (1) LOCATION AND TIMING OF MEETINGS.—

7 The Board shall meet in sessions open to the public
8 at least three times per year in New Mexico. Upon
9 a majority vote made in open session, and a public
10 statement of the reasons therefore, the Board may
11 close any other meetings to the public: *Provided,*
12 That any final decision of the Board to adopt or
13 amend the comprehensive management program
14 under section 108(d) or to approve any activity re-
15 lated to the management of the land or resources of
16 the Preserve shall be made in open public session.

17 (2) PUBLIC INFORMATION.—In addition to
18 other requirements of applicable law, the Board shall
19 establish procedures for providing appropriate public
20 information and periodic opportunities for public
21 comment regarding the management of the Preserve.

22 **SEC. 108. RESOURCE MANAGEMENT.**

23 (a) ASSUMPTION OF MANAGEMENT.—The Trust
24 shall assume all authority provided by this title to manage
25 the Preserve upon a determination by the Secretary, which

1 to the maximum extent practicable shall be made within
2 60 days after the appointment of the Board, that—

3 (1) the Board is duly appointed, and able to
4 conduct business; and

5 (2) provision has been made for essential man-
6 agement services.

7 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-
8 sumption of management of the Preserve under subsection
9 (a), the Trust shall manage the land and resources of the
10 Preserve and the use thereof including, but not limited
11 to such activities as—

12 (1) administration of the operations of the Pre-
13 serve;

14 (2) preservation and development of the land
15 and resources of the Preserve;

16 (3) interpretation of the Preserve and its his-
17 tory for the public;

18 (4) management of public use and occupancy of
19 the Preserve; and

20 (5) maintenance, rehabilitation, repair, and im-
21 provement of property within the Preserve.

22 (c) AUTHORITIES.—

23 (1) IN GENERAL.—The Trust shall develop pro-
24 grams and activities at the Preserve, and shall have
25 the authority to negotiate directly and enter into

1 such agreements, leases, contracts and other ar-
2 rangements with any person, firm, association, orga-
3 nization, corporation or governmental entity, includ-
4 ing without limitation, entities of Federal, State, and
5 local governments, and consultation with Indian
6 tribes and pueblos, as are necessary and appropriate
7 to carry out its authorized activities or fulfill the
8 purposes of this title. Any such agreements may be
9 entered into without regard to section 321 of the Act
10 of June 30, 1932 (40 U.S.C. 303b).

11 (2) PROCEDURES.—The Trust shall establish
12 procedures for entering into lease agreements and
13 other agreements for the use and occupancy of facili-
14 ties of the Preserve. The procedures shall ensure
15 reasonable competition, and set guidelines for deter-
16 mining reasonable fees, terms, and conditions for
17 such agreements.

18 (3) LIMITATIONS.—The Trust may not dispose
19 of any real property in, or convey any water rights
20 appurtenant to the Preserve. The Trust may not
21 convey any easement, or enter into any contract,
22 lease, or other agreement related to use and occu-
23 pancy of property within the Preserve for a period
24 greater than 10 years. Any such easement, contract,
25 lease, or other agreement shall provide that, upon

1 termination of the Trust, such easement, contract,
2 lease or agreement is terminated.

3 (4) APPLICATION OF PROCUREMENT LAWS.—

4 (A) IN GENERAL.—Notwithstanding any
5 other provision of law, Federal laws and regula-
6 tions governing procurement by Federal agen-
7 cies shall not apply to the Trust, with the ex-
8 ception of laws and regulations related to Fed-
9 eral Government contracts governing health and
10 safety requirements, wage rates, and civil
11 rights.

12 (B) PROCEDURES.—The Trust, in con-
13 sultation with the Administrator of Federal
14 Procurement Policy, Office of Management and
15 Budget, shall establish and adopt procedures
16 applicable to the Trust's procurement of goods
17 and services, including the award of contracts
18 on the basis of contractor qualifications, price,
19 commercially reasonable buying practices, and
20 reasonable competition.

21 (d) MANAGEMENT PROGRAM.—Within two years
22 after assumption of management responsibilities for the
23 Preserve, the Trust shall, in accordance with subsection
24 (f), develop a comprehensive program for the management
25 of lands, resources, and facilities within the Preserve to

1 carry out the purposes under section 105(b). To the extent
2 consistent with such purposes, such program shall provide
3 for—

4 (1) operation of the Preserve as a working
5 ranch, consistent with paragraphs (2) through (4);

6 (2) the protection and preservation of the sci-
7 entific, scenic, geologic, watershed, fish, wildlife, his-
8 toric, cultural and recreational values of the Pre-
9 serve;

10 (3) multiple use and sustained yield of renew-
11 able resources within the Preserve;

12 (4) public use of and access to the Preserve for
13 recreation;

14 (5) renewable resource utilization and manage-
15 ment alternatives that, to the extent practicable—

16 (A) benefit local communities and small
17 businesses;

18 (B) enhance coordination of management
19 objectives with those on surrounding National
20 Forest System land; and

21 (C) provide cost savings to the Trust
22 through the exchange of services, including but
23 not limited to labor and maintenance of facili-
24 ties, for resources or services provided by the
25 Trust; and

1 (6) optimizing the generation of income based
2 on existing market conditions, to the extent that it
3 does not unreasonably diminish the long-term scenic
4 and natural values of the area, or the multiple use
5 and sustained yield capability of the land.

6 (e) PUBLIC USE AND RECREATION.—

7 (1) IN GENERAL.—The Trust shall give thor-
8 ough consideration to the provision of appropriate
9 opportunities for public use and recreation that are
10 consistent with the other purposes under section
11 105(b). The Trust is expressly authorized to con-
12 struct and upgrade roads and bridges, and provide
13 other facilities for activities including, but not lim-
14 ited to camping and picnicking, hiking, and cross
15 country skiing. Roads, trails, bridges, and rec-
16 reational facilities constructed within the Preserve
17 shall meet public safety standards applicable to units
18 of the National Forest System and the State of New
19 Mexico.

20 (2) FEES.—Notwithstanding any other provi-
21 sion of law, the Trust is authorized to assess reason-
22 able fees for admission to, and the use and occu-
23 pancy of, the Preserve: *Provided*, That admission
24 fees and any fees assessed for recreational activities

1 shall be implemented only after public notice and a
2 period of not less than 60 days for public comment.

3 (3) PUBLIC ACCESS.—Upon the acquisition of
4 the Baca ranch under section 104(a), and after an
5 interim planning period of no more than two years,
6 the public shall have reasonable access to the Pre-
7 serve for recreation purposes. The Secretary, prior
8 to assumption of management of the Preserve by the
9 Trust, and the Trust thereafter, may reasonably
10 limit the number and types of recreational admis-
11 sions to the Preserve, or any part thereof, based on
12 the capability of the land, resources, and facilities.
13 The use of reservation or lottery systems is expressly
14 authorized to implement this paragraph.

15 (f) APPLICABLE LAWS.—

16 (1) IN GENERAL.—The Trust, and the Sec-
17 retary in accordance with section 109(b), shall ad-
18 minister the Preserve in conformity with this title
19 and all laws pertaining to the National Forest Sys-
20 tem, except the Forest and Rangeland Renewable
21 Resources Planning Act of 1974, as amended (16
22 U.S.C. 1600 et seq.).

23 (2) ENVIRONMENTAL LAWS.—The Trust shall
24 be deemed a Federal agency for the purposes of
25 compliance with Federal environmental laws.

1 (3) CRIMINAL LAWS.—All criminal laws relating
2 to Federal property shall apply to the same extent
3 as on adjacent units of the National Forest System.

4 (4) REPORTS ON APPLICABLE RULES AND REG-
5 ULATIONS.—The Trust may submit to the Secretary
6 and the Committees of Congress a compilation of
7 applicable rules and regulations which in the view of
8 the Trust are inappropriate, incompatible with this
9 title, or unduly burdensome.

10 (5) CONSULTATION WITH TRIBES AND PUEB-
11 LOS.—The Trust is authorized and directed to co-
12 operate and consult with Indian tribes and pueblos
13 on management policies and practices for the Pre-
14 serve which may affect them. The Trust is author-
15 ized to allow the use of lands within the Preserve for
16 religious and cultural uses by Native Americans and,
17 in so doing, may set aside places and times of exclu-
18 sive use consistent with the American Indian Reli-
19 gious Freedom Act (42 U.S.C. 1996 (note)) and
20 other applicable statutes.

21 (6) NO ADMINISTRATIVE APPEAL.—The admin-
22 istrative appeals regulations of the Secretary shall
23 not apply to activities of the Trust and decisions of
24 the Board.

1 (g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—
2 The Secretary shall provide law enforcement services
3 under a cooperative agreement with the Trust to the ex-
4 tent generally authorized in other units of the National
5 Forest System. The Trust shall be deemed a Federal
6 agency for purposes of the law enforcement authorities of
7 the Secretary (within the meaning of section 15008 of the
8 National Forest System Drug Control Act of 1986 (16
9 U.S.C. 559g)). At the request of the Trust, the Secretary
10 may provide fire presuppression, fire suppression, and re-
11 habilitation services: *Provided*, That the Trust shall reim-
12 burse the Secretary for salaries and expenses of fire man-
13 agement personnel, commensurate with services provided.

14 **SEC. 109. AUTHORITIES OF THE SECRETARY.**

15 (a) IN GENERAL.—Notwithstanding the assumption
16 of management of the Preserve by the Trust, the Sec-
17 retary is authorized to—

- 18 (1) issue any rights-of-way, as defined in the
19 Federal Land Policy and Management Act of 1976,
20 of over 10 years duration, in cooperation with the
21 Trust, including, but not limited to, road and utility
22 rights-of-way, and communication sites;
- 23 (2) issue orders under and enforce prohibitions
24 generally applicable on other units of the National
25 Forest System, in cooperation with the Trust;

1 (3) exercise the authorities of the Secretary
2 under the Wild and Scenic Rivers Act (16 U.S.C.
3 1278, et seq.) and the Federal Power Act (16
4 U.S.C. 797, et seq.), in cooperation with the Trust;

5 (4) acquire the mineral rights referred to in
6 section 104(e);

7 (5) provide law enforcement and fire manage-
8 ment services under section 108(g);

9 (6) at the request of the Trust, exchange land
10 or interests in land within the Preserve under laws
11 generally applicable to other units of the National
12 Forest System, or otherwise dispose of land or inter-
13 ests in land within the Preserve under Public Law
14 97-465 (16 U.S.C. 521c through 521i);

15 (7) in consultation with the Trust, refer civil
16 and criminal cases pertaining to the Preserve to the
17 Department of Justice for prosecution;

18 (8) retain title to and control over fossils and
19 archaeological artifacts found within the Preserve;

20 (9) at the request of the Trust, construct and
21 operate a visitors' center in or near the Preserve,
22 subject to the availability of appropriated funds;

23 (10) conduct the assessment of the Trust's per-
24 formance, and, if the Secretary determines it nec-

1 essary, recommend to Congress the termination of
2 the Trust, under section 110(b)(2); and

3 (11) conduct such other activities for which ex-
4 press authorization is provided to the Secretary by
5 this title.

6 (b) INTERIM MANAGEMENT.—

7 (1) IN GENERAL.—The Secretary shall manage
8 the Preserve in accordance with this title during the
9 interim period from the date of acquisition of the
10 Baca ranch under section 104(a) to the date of as-
11 sumption of management of the Preserve by the
12 Trust under section 108. The Secretary may enter
13 into any agreement, lease, contract, or other ar-
14 rangement on the same basis as the Trust under
15 section 108(c)(1): *Provided*, That any agreement,
16 lease, contract, or other arrangement entered into by
17 the Secretary shall not exceed two years in duration
18 unless expressly extended by the Trust upon its as-
19 sumption of management of the Preserve.

20 (2) USE OF THE FUND.—All monies received by
21 the Secretary from the management of the Preserve
22 during the interim period under paragraph (1) shall
23 be deposited into the “Valles Caldera Fund” estab-
24 lished under section 106(h)(2), and such monies in
25 the fund shall be available to the Secretary, without

1 further appropriation, for the purpose of managing
2 the Preserve in accordance with the responsibilities
3 and authorities provided to the Trust under section
4 108.

5 (c) SECRETARIAL AUTHORITY.—The Secretary re-
6 tains the authority to suspend any decision of the Board
7 with respect to the management of the Preserve if he finds
8 that the decision is clearly inconsistent with this title.
9 Such authority shall only be exercised personally by the
10 Secretary, and may not be delegated. Any exercise of this
11 authority shall be in writing to the Board, and notification
12 of the decision shall be given to the Committees of Con-
13 gress. Any suspended decision shall be referred back to
14 the Board for reconsideration.

15 (d) ACCESS.—The Secretary shall at all times have
16 access to the Preserve for administrative purposes.

17 **SEC. 110. TERMINATION OF THE TRUST.**

18 (a) IN GENERAL.—The Valles Caldera Trust shall
19 terminate at the end of the twentieth full fiscal year fol-
20 lowing acquisition of the Baca ranch under section 104(a).

21 (b) RECOMMENDATIONS.—

22 (1) BOARD.—

23 (A) If after the fourteenth full fiscal years
24 from the date of acquisition of the Baca ranch
25 under section 104(a), the Board believes the

1 Trust has met the goals and objectives of the
2 comprehensive management program under sec-
3 tion 108(d), but has not become financially self-
4 sustaining, the Board may submit to the Com-
5 mittees of Congress, a recommendation for au-
6 thorization of appropriations beyond that pro-
7 vided under this title.

8 (B) During the eighteenth full fiscal year
9 from the date of acquisition of the Baca ranch
10 under section 104(a), the Board shall submit to
11 the Secretary its recommendation that the
12 Trust be either extended or terminated includ-
13 ing the reasons for such recommendation.

14 (2) SECRETARY.—Within 120 days after receipt
15 of the recommendation of the Board under para-
16 graph (1)(B), the Secretary shall submit to the
17 Committees of Congress the Board's recommenda-
18 tion on extension or termination along with the rec-
19 ommendation of the Secretary with respect to the
20 same and stating the reasons for such recommenda-
21 tion.

22 (c) EFFECT OF TERMINATION.—In the event of ter-
23 mination of the Trust, the Secretary shall assume all man-
24 agement and administrative functions over the Preserve,
25 and it shall thereafter be managed as a part of the Santa

1 Fe National Forest, subject to all laws applicable to the
2 National Forest System.

3 (d) ASSETS.—In the event of termination of the
4 Trust, all assets of the Trust shall be used to satisfy any
5 outstanding liabilities, and any funds remaining shall be
6 transferred to the Secretary for use, without further ap-
7 propriation, for the management of the Preserve.

8 (e) VALLES CALDERA FUND.—In the event of termi-
9 nation, the Secretary shall assume the powers of the Trust
10 over funds under section 106(h), and the Valles Caldera
11 Fund shall not terminate. Any balances remaining in the
12 fund shall be available to the Secretary, without further
13 appropriation, for any purpose consistent with the pur-
14 poses of this title.

15 **SEC. 111. LIMITATIONS ON FUNDING.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
17 hereby authorized to be appropriated to the Secretary and
18 the Trust such funds as are necessary for them to carry
19 out the purposes of this title for each of the 15 full fiscal
20 years after the date of acquisition of the Baca ranch under
21 section 104(a).

22 (b) SCHEDULE OF APPROPRIATIONS.—Within two
23 years after the first meeting of the Board, the Trust shall
24 submit to Congress a plan which includes a schedule of
25 annual decreasing appropriated funds that will achieve, at

1 a minimum, the financially self-sustained operation of the
2 Trust within 15 full fiscal years after the date of acqui-
3 sition of the Baca ranch under section 104(a).

4 **SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.**

5 (a) INITIAL STUDY.—Three years after the assump-
6 tion of management by the Trust, the General Accounting
7 Office shall conduct an interim study of the activities of
8 the Trust and shall report the results of the study to the
9 Committees of Congress. The study shall include, but shall
10 not be limited to, details of programs and activities oper-
11 ated by the Trust and whether it met its obligations under
12 this title.

13 (b) SECOND STUDY.—Seven years after the assump-
14 tion of management by the Trust, the General Accounting
15 Office shall conduct a study of the activities of the Trust
16 and shall report the results of the study to the Committees
17 of Congress. The study shall provide an assessment of any
18 failure to meet obligations that may be identified under
19 subsection (a), and further evaluation on the ability of the
20 Trust to meet its obligations under this title.

21 **TITLE II—FEDERAL LAND**
22 **TRANSACTION FACILITATION**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Federal Land Trans-
25 action Facilitation Act”.

1 **SEC. 202. FINDINGS.**

2 Congress finds that—

3 (1) the Bureau of Land Management has au-
4 thority under the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1701 et seq.) to sell
6 land identified for disposal under its land use plan-
7 ning;

8 (2) the Bureau of Land Management has au-
9 thority under that Act to exchange Federal land for
10 non-Federal land if the exchange would be in the
11 public interest;

12 (3) through land use planning under that Act,
13 the Bureau of Land Management has identified cer-
14 tain tracts of public land for disposal;

15 (4) the Federal land management agencies of
16 the Departments of the Interior and Agriculture
17 have authority under existing law to acquire land
18 consistent with the mission of each agency;

19 (5) the sale or exchange of land identified for
20 disposal and the acquisition of certain non-Federal
21 land from willing landowners would—

22 (A) allow for the reconfiguration of land
23 ownership patterns to better facilitate resource
24 management;

25 (B) contribute to administrative efficiency
26 within Federal land management units; and

1 (C) allow for increased effectiveness of the
2 allocation of fiscal and human resources within
3 the Federal land management agencies;

4 (6) a more expeditious process for disposal and
5 acquisition of land, established to facilitate a more
6 effective configuration of land ownership patterns,
7 would benefit the public interest;

8 (7) many private individuals own land within
9 the boundaries of Federal land management units
10 and desire to sell the land to the Federal Govern-
11 ment;

12 (8) such land lies within national parks, na-
13 tional monuments, national wildlife refuges, national
14 forests, and other areas designated for special man-
15 agement;

16 (9) Federal land management agencies are fac-
17 ing increased workloads from rapidly growing public
18 demand for the use of public land, making it dif-
19 ficult for Federal managers to address problems cre-
20 ated by the existence of inholdings in many areas;

21 (10) in many cases, inholders and the Federal
22 Government would mutually benefit from Federal
23 acquisition of the land on a priority basis;

24 (11) proceeds generated from the disposal of
25 public land may be properly dedicated to the acquisi-

1 tion of inholdings and other land that will improve
2 the resource management ability of the Federal land
3 management agencies and adjoining landowners;

4 (12) using proceeds generated from the disposal
5 of public land to purchase inholdings and other such
6 land from willing sellers would enhance the ability of
7 the Federal land management agencies to—

8 (A) work cooperatively with private land-
9 owners and State and local governments; and

10 (B) promote consolidation of the ownership
11 of public and private land in a manner that
12 would allow for better overall resource manage-
13 ment;

14 (13) in certain locations, the sale of public land
15 that has been identified for disposal is the best way
16 for the public to receive fair market value for the
17 land; and

18 (14) to allow for the least disruption of existing
19 land and resource management programs, the Bu-
20 reau of Land Management may use non-Federal en-
21 tities to prepare appraisal documents for agency re-
22 view and approval consistent with applicable provi-
23 sions of the Uniform Standards for Federal Land
24 Acquisition.

1 **SEC. 203. DEFINITIONS.**

2 In this title:

3 (1) EXCEPTIONAL RESOURCE.—The term “ex-
4 ceptional resource” means a resource of scientific,
5 natural, historic, cultural, or recreational value that
6 has been documented by a Federal, State, or local
7 governmental authority, and for which there is a
8 compelling need for conservation and protection
9 under the jurisdiction of a Federal agency in order
10 to maintain the resource for the benefit of the pub-
11 lic.

12 (2) FEDERALLY DESIGNATED AREA.—The term
13 “federally designated area” means land in Alaska
14 and the eleven contiguous Western States (as de-
15 fined in section 103(o) of the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1702(o)))
17 that on the date of enactment of this Act was within
18 the boundary of—

19 (A) a national monument, area of critical
20 environmental concern, national conservation
21 area, national riparian conservation area, na-
22 tional recreation area, national scenic area, re-
23 search natural area, national outstanding nat-
24 ural area, or a national natural landmark man-
25 aged by the Bureau of Land Management;

26 (B) a unit of the National Park System;

1 (C) a unit of the National Wildlife Refuge
2 System;

3 (D) an area of the National Forest System
4 designated for special management by an Act of
5 Congress; or

6 (E) an area within which the Secretary or
7 the Secretary of Agriculture is otherwise au-
8 thorized by law to acquire lands or interests
9 therein that is designated as—

10 (i) wilderness under the Wilderness
11 Act (16 U.S.C. 1131 et seq.);

12 (ii) a wilderness study area;

13 (iii) a component of the Wild and Sce-
14 nic Rivers System under the Wild and Sce-
15 nic Rivers Act (16 U.S.C. 1271 et seq.); or

16 (iv) a component of the National
17 Trails System under the National Trails
18 System Act (16 U.S.C. 1241 et seq.).

19 (3) INHOLDING.—The term “inholding” means
20 any right, title, or interest, held by a non-Federal
21 entity, in or to a tract of land that lies within the
22 boundary of a federally designated area.

23 (4) PUBLIC LAND.—The term “public land”
24 means public lands (as defined in section 103 of the

1 Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1702)).

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 204. IDENTIFICATION OF INHOLDINGS.**

6 (a) IN GENERAL.—The Secretary and the Secretary
7 of Agriculture shall establish a procedure to—

8 (1) identify, by State, inholdings for which the
9 landowner has indicated a desire to sell the land or
10 interest therein to the United States; and

11 (2) prioritize the acquisition of inholdings in ac-
12 cordance with section 206(c)(3).

13 (b) PUBLIC NOTICE.—As soon as practicable after
14 the date of enactment of this title and periodically there-
15 after, the Secretary and the Secretary of Agriculture shall
16 provide public notice of the procedures referred to in sub-
17 section (a), including any information necessary for the
18 consideration of an inholding under section 206. Such no-
19 tice shall include publication in the Federal Register and
20 by such other means as the Secretary and the Secretary
21 of Agriculture determine to be appropriate.

22 (c) IDENTIFICATION.—An inholding—

23 (1) shall be considered for identification under
24 this section only if the Secretary or the Secretary of
25 Agriculture receive notification of a desire to sell

1 from the landowner in response to public notice
2 given under subsection (b); and

3 (2) shall be deemed to have been established as
4 of the later of—

5 (A) the earlier of—

6 (i) the date on which the land was
7 withdrawn from the public domain; or

8 (ii) the date on which the land was es-
9 tablished or designated for special manage-
10 ment; or

11 (B) the date on which the inholding was
12 acquired by the current owner.

13 (d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The
14 identification of an inholding under this section creates no
15 obligation on the part of a landowner to convey the
16 inholding or any obligation on the part of the United
17 States to acquire the inholding.

18 **SEC. 205. DISPOSAL OF PUBLIC LAND.**

19 (a) IN GENERAL.—The Secretary shall establish a
20 program, using funds made available under section 206,
21 to complete appraisals and satisfy other legal require-
22 ments for the sale or exchange of public land identified
23 for disposal under approved land use plans (as in effect
24 on the date of enactment of this Act) under section 202

1 of the Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1712).

3 (b) SALE OF PUBLIC LAND.—

4 (1) IN GENERAL.—The sale of public land so
5 identified shall be conducted in accordance with sec-
6 tions 203 and 209 of the Federal Land Policy and
7 Management Act of 1976 (43 U.S.C. 1713, 1719).

8 (2) EXCEPTIONS TO COMPETITIVE BIDDING RE-
9 QUIREMENTS.—The exceptions to competitive bid-
10 ding requirements under section 203(f) of the Fed-
11 eral Land Policy and Management Act of 1976 (43
12 U.S.C. 1713(f)) shall apply to this section in cases
13 in which the Secretary determines it to be necessary.

14 (c) REPORT IN PUBLIC LAND STATISTICS.—The Sec-
15 retary shall provide in the annual publication of Public
16 Land Statistics, a report of activities under this section.

17 (d) TERMINATION OF AUTHORITY.—The authority
18 provided under this section shall terminate 10 years after
19 the date of enactment of this Act.

20 **SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.**

21 (a) DEPOSIT OF PROCEEDS.—Notwithstanding any
22 other law (except a law that specifically provides for a pro-
23 portion of the proceeds to be distributed to any trust funds
24 of any States), the gross proceeds of the sale or exchange
25 of public land under this Act shall be deposited in a sepa-

1 rate account in the Treasury of the United States to be
2 known as the “Federal Land Disposal Account”.

3 (b) AVAILABILITY.—Amounts in the Federal Land
4 Disposal Account shall be available to the Secretary and
5 the Secretary of Agriculture, without further Act of appro-
6 priation, to carry out this title.

7 (c) USE OF THE FEDERAL LAND DISPOSAL AC-
8 COUNT.—

9 (1) IN GENERAL.—Funds in the Federal Land
10 Disposal Account shall be expended in accordance
11 with this subsection.

12 (2) FUND ALLOCATION.—

13 (A) PURCHASE OF LAND.—Except as au-
14 thorized under subparagraph (C), funds shall
15 be used to purchase lands or interests therein
16 that are otherwise authorized by law to be ac-
17 quired, and that are—

18 (i) inholdings; and

19 (ii) adjacent to federally designated
20 areas and contain exceptional resources.

21 (B) INHOLDINGS.—Not less than 80 per-
22 cent of the funds allocated for the purchase of
23 land within each State shall be used to acquire
24 inholdings identified under section 204.

1 (C) ADMINISTRATIVE AND OTHER EX-
2 PENSES.—An amount not to exceed 20 percent
3 of the funds deposited in the Federal Land Dis-
4 posal Account may be used by the Secretary for
5 administrative and other expenses necessary to
6 carry out the land disposal program under sec-
7 tion 205.

8 (D) SAME STATE PURCHASES.—Of the
9 amounts not used under subparagraph (C), not
10 less than 80 percent shall be expended within
11 the State in which the funds were generated.
12 Any remaining funds may be expended in any
13 other State.

14 (3) PRIORITY.—The Secretary and the Sec-
15 retary of Agriculture shall develop a procedure for
16 prioritizing the acquisition of inholdings and non-
17 Federal lands with exceptional resources as provided
18 in paragraph (2). Such procedure shall consider—

19 (A) the date the inholding was established
20 (as provided in section 204(c));

21 (B) the extent to which acquisition of the
22 land or interest therein will facilitate manage-
23 ment efficiency; and

1 (C) such other criteria as the Secretary
2 and the Secretary of Agriculture deem appro-
3 priate.

4 (4) BASIS OF SALE.—Any land acquired under
5 this section shall be—

6 (A) from a willing seller;

7 (B) contingent on the conveyance of title
8 acceptable to the Secretary, or the Secretary of
9 Agriculture in the case of an acquisition of Na-
10 tional Forest System land, using title standards
11 of the Attorney General;

12 (C) at a price not to exceed fair market
13 value consistent with applicable provisions of
14 the Uniform Appraisal Standards for Federal
15 Land Acquisitions; and

16 (D) managed as part of the unit within
17 which it is contained.

18 (d) CONTAMINATED SITES AND SITES DIFFICULT
19 AND UNECONOMIC TO MANAGE.—Funds in the Federal
20 Land Disposal Account shall not be used to purchase land
21 or an interest in land that, as determined by the Secretary
22 or the Secretary of Agriculture—

23 (1) contains a hazardous substances or is other-
24 wise contaminated; or

1 (2) because of the location or other characteris-
2 tics of the land, would be difficult or uneconomic to
3 manage as Federal land.

4 (e) LAND AND WATER CONSERVATION FUND ACT.—
5 Funds made available under this section shall be supple-
6 mental to any funds appropriated under the Land and
7 Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.).

8 (f) TERMINATION.—On termination of activities
9 under section 205—

10 (1) the Federal Land Disposal Account shall be
11 terminated; and

12 (2) any remaining balance in the account shall
13 become available for appropriation under section 3
14 of the Land and Water Conservation Fund Act (16
15 U.S.C. 460l–6).

16 **SEC. 207. SPECIAL PROVISIONS.**

17 (a) IN GENERAL.—Nothing in this title provides an
18 exemption from any limitation on the acquisition of land
19 or interest in land under any Federal Law in effect on
20 the date of enactment of this Act.

21 (b) OTHER LAW.—This title shall not apply to land
22 eligible for sale under—

23 (1) Public Law 96–568 (commonly known as
24 the “Santini-Burton Act”) (94 Stat. 3381); or

1 (2) the Southern Nevada Public Land Manage-
2 ment Act of 1998 (112 Stat. 2343).

3 (c) EXCHANGES.—Nothing in this title precludes,
4 preempts, or limits the authority to exchange land under
5 authorities providing for the exchange of Federal lands,
6 including but not limited to—

7 (1) the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1701 et seq.); or

9 (2) the Federal Land Exchange Facilitation Act
10 of 1988 (102 Stat. 1086) or the amendments made
11 by that Act.

12 (d) NO NEW RIGHT OR BENEFIT.—Nothing in this
13 Act creates a right or benefit, substantive or procedural,
14 enforceable at law or in equity by a party against the
15 United States, its agencies, its officers, or any other per-
16 son.